

FILED

MAR 07 2011

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS,
SAN ANTONIO DIVISION**

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY DEPUTY CLERK

KELLY JO SUTER, PH.D.,
Plaintiff,

v.

THE UNIVERSITY OF TEXAS AT SAN
ANTONIO, GEORGE PERRY, PH.D.,
JAMES M. BOWER, PH.D., MATTHEW J.
GDOVIN, PH.D., ROBERT W. GRACY,
PH.D., J. AARON CASSILL, PH.D., and
EDWIN J. BAREA-RODRIGUEZ, PH.D.,
Defendants.

§
§
§
§
§
§
§
§
§
§

CAUSE NO. SA-10-CA-692-OG

**ORDER DENYING MOTION TO QUASH AS MOOT;
ORDERING PARTIES TO CONFER**

Before the Court is "Defendants' Emergency Motion to Quash Rodriguez¹ [sic] Deposition and for Protection." (Docket no. 32.) In their advisory filed this day (docket no. 34), Defendants' counsel informs the Court that Plaintiff's counsel has cancelled the deposition of Dr. Joe Martinez, which was the subject of the motion to quash. Defendants' counsel also informs the Court that Plaintiff's counsel has stated that she intends to reissue the notice to depose Dr. Martinez at a future time she did not reveal to Defendants' attorneys and without first conferring with Defendants' attorneys on a mutually agreeable time.

Accordingly, Defendants' Emergency Motion to quash the existing subpoena of Dr. Joe Martinez is DENIED as moot.

Moreover, it is ORDERED that the attorneys for each side shall confer with each other in

¹ It is plain through the body of the motion that the relief requested is to quash the deposition of Dr. Joe Martinez. "Rodriguez" in the title of the motion was a misnomer.

good faith prior to noticing depositions in an attempt to set depositions at times and places when the attorneys and deponents are available.

SIGNED this 7 day of March, 2011.

Orlando L. Garcia

ORLANDO L. GARCIA
UNITED STATES DISTRICT JUDGE